



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



May 16, 2002

CERTIFIED MAIL #7099 3400 0018 1299 1623
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Wentworth
PO Box 2
Wentworth, NH 03282

SUBJECT: Administrative Order No. WMD 02-10

Dear Members of the Board:

On March 26, 2002, the Department of Environmental Services (Department) contacted Ms. Janet Woolner, Administrative Assistant, by telephone to discuss the closure of the Town's landfill located off Turner Road. Ms. Woolner was told that a review of Department files indicated that the Town had not applied for or obtained a landfill permit from the Department. Lacking a permit, the only regulatory mechanism under which the Department can approve closure of the landfill is an Administrative Order.

The Department recognizes and greatly appreciates the efforts Town officials have made in attempting to initiate the required hydrogeologic investigation at the municipal landfill. The Administrative Order is being issued to resolve the permit issue and to establish the Town's responsibility for landfill closure. In order to accomplish the closure in accordance with the Administrative Order, the Town should complete the necessary hydrogeologic investigations no later than December 31, 2003 and should submit final closure plans to the Department by October 1, 2004. Should you have any questions regarding this Administrative Order please contact Mr. Worthen Muzzey of the Solid Waste Management Bureau at the address listed above, or by phone at 271-2925 or e-mail at wmuzzey@des.state.nh.us.

Yours truly,

Richard S. Reed, Administrator
Solid Waste Management Bureau
Waste Management Division

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Attachments: Administrative Order No. WMD 02-10

cc: J. Patterson, NHDoJ
Gretchen C. Rule, NHDES Legal Unit
David J. Rousseau, NHDES
Wentworth Town File/DB

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Town of Wentworth
Board of Selectmen
PO Box 2
Wentworth, NH 03282

Re: Tax Map 11, Lot 09-02

**Administrative Order
No. WMD 02-10**

May 8, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to the Town of Wentworth pursuant to RSA 149-M:15. This order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Wentworth ("Town") is a duly-constituted municipality of the State of New Hampshire having a mailing address of PO Box 2, Wentworth, NH 03282.

C. STATEMENT OF FACTS AND LAW

1. RSA 149-M authorizes DES to regulate the management and disposal of solid waste. Pursuant to RSA 149-M:7, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 100-300, 2100 *et seq.* ("Solid Waste Rules") to implement this program.
2. The Town is the owner of the property identified on the Town tax maps as Tax Map 11, Lot 09-02 ("Property").
3. RSA 149-M:9, I states that "[n]o person shall construct, operate, or initiate closure of a public or private facility without first obtaining a permit from [DES]".
4. RSA 149-M:4, IX defines "facility" as "a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste".
5. A solid waste disposal facility ("Landfill") exists on the Property.
6. A review of DES records has revealed that the Town has not applied for a permit to either operate or close the Landfill.

D. DETERMINATION OF VIOLATIONS

1. The Town has violated RSA 149-M:9, I by failing to obtain a permit to operate or initiate closure activities at the Landfill.

E. ORDER

Based on the above findings, DES hereby orders the Town as follows:

1. By December 31, 2005, complete closure of the Landfill in accordance with the Solid Waste Rules and final closure design plans submitted by the Town and approved by DES.
2. After closure, conduct post-closure maintenance and monitoring activities in accordance with the Solid Waste Rules and approved closure design documents.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

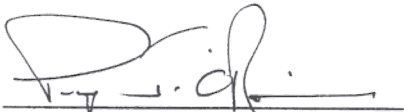
Mr. Richard S. Reed, Administrator
Solid Waste Management Bureau
NHDES, Waste Management Division
6 Hazen Drive
Concord, NH 03301-6509

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Town of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 149-M provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Town remains obligated to comply with all applicable requirements, in particular RSA 149-M and the New Hampshire Solid Waste Rules. DES will continue to monitor the Town's compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Philip J. O'Brien, Ph.D., Director
Waste Management Division



George Dina Bisbee, Assistant Commissioner
Department of Environmental Services

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cc: J. Patterson, NHDoJ
Gretchen C. Rule, NHDES Legal Unit
Public Information Officer, NHDES PIP Office
Wentworth Town File/DB